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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/966,982	
	Filing Date	September 27, 2001	
	First Named Inventor	Lori Jo Lehman	
	Group Art Unit	1651	
	Examiner Name	Not Yet Assigned	
Total Number Of Pages In This Submission	6	Attorney Docket No.	AQ 2018.20

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## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Antoinette F. Konski, Esq., Reg. No. 34,202 Bingham McCutchen, LLP Three Embarcadero Center, Suite 1800 San Francisco, CA 94111
Signature	<i>Antoinette F. Konski</i>
Date	July 26, 2002

## CERTIFICATE OF TRANSMISSION

I hereby certify that this paper or fee is being transmitted via facsimile to the United States Postal Service addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date: July 26, 2002

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Lori Jo Lehman et al.

Serial No.: 09/966,982

Filing Date: September 27, 2001

For: NOVEL STRAIN OF STREPTOMYCES  
FOR CONTROLLING PLANT  
DISEASES

Examiner: Not Yet Assigned

Group Art Unit: 1651

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## INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached forms PTO-1449a and PTO-1449b are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. This protocol conforms with 37 C.F.R. § 1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record. Copies are not provided as they are available in parent file, U.S. Serial No. 09/671,943, filed September 20, 2000 pursuant to 37 C.F.R. § 1.98(b).

This Information Disclosure Statement is submitted:

- ☐ With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
- ☐ Within three months of the application filing date or before receipt of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☒ Before the mailing date of the first Office Action on the merits. In the event, however that an Office Action has crossed in the mail with this Information Disclosure

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Statement, the Commissioner is hereby authorized to charge Deposit Account No. 50-1189 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).

- ☐ After receipt of a first Office Action on the merits but before a final Office Action or Notice of Allowance. A fee is required. The Commissioner is hereby authorized to charge Deposit Account No. 50-1189 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).
- ☐ After receipt of a final Office Action or Notice of Allowance, but before payment of the issue fee. Accordingly, a Certification under 37 C.F.R. § 1.97(e) is provided herein. The Commissioner is hereby authorized to charge Deposit Account No. 50-1189 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).

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The undersigned certifies that:

- ☐ Each item of information contained in the Information Disclosure Statement was first cited in any communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

This Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols,

results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the U.S. Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 50-1179 referencing Billing No. 23893-7180. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

The law firm of McCutchen Doyle Brown & Enersen, LLP has merged to become Bingham McCutchen, LLP. The undersigned attorney's contact information remains the same.

Respectfully submitted,

Dated: July 26, 2002

By:

  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Lori Jo Lehman et al.

Serial No.: 09/966,982

Filing Date: September 27, 2001

For: NOVEL STRAIN OF STREPTOMYCES FOR  
CONTROLLING PLANT DISEASES

Examiner: Not Yet Assigned

Group Art Unit: 16092900

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TO	U. S. PTO Group Art Unit: 1651	1-703-872-9306	1-703-308-4743

FROM Antoinette F. Konski (650) 849-4800 (650) 849-4950  
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